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**U.S. Citizenship
and Immigration
Services**

ER

FILE:

Office: LOS ANGELES, CA

Date **JUN 09 2004**

IN RE:

Applicant:

APPLICATION:

Application for Certificate of Citizenship under section 322 of the former Immigration and Nationality Act, 8 U.S.C. § 1433.

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director [REDACTED] and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant was born on [REDACTED] in Egypt. The record reflects that the applicant's father, Ahmed Adam Attia, was born in Egypt, and that he became a naturalized U.S. citizen [REDACTED] when the applicant was eighteen years old. The applicant's [REDACTED] was born in Egypt, and became a naturalized U.S. citizen on [REDACTED] when the applicant was seventeen years old. The applicant's parents were married in Egypt on [REDACTED]. The applicant seeks a certificate of citizenship pursuant to section 322 of the former Immigration and Nationality Act (the former Act), 8 U.S.C. § 1433.

The district director concluded that the applicant was ineligible for citizenship under section 322 of the former Act because he was over the age of eighteen at the time of his interview with the Immigration and Naturalization Service (Service, now, citizenship and Immigration Services, CIS). The application was denied accordingly.

On appeal, the applicant, through his parents, states that he applied for an immigration visa at the age of fourteen, but did not obtain his alien registration card until the age of eighteen. The applicant asserts further that his mother became a naturalized U.S. citizen while he was under the age of eighteen, and that he was in the legal custody of his mother and residing in the U.S. pursuant to a lawful admission for permanent residence when his mother became a naturalized U.S. citizen. The applicant does not otherwise address the basis of the district director's denial of his application. Instead, the applicant indicates on appeal that he has resided in the U.S. as a lawful permanent resident for five years, that he is a person of good moral character with an attachment to the principles of the U.S. Constitution, and he indicates that he is eligible to become a naturalized U.S. citizen.

Section 322 of the former Act stated, in pertinent part:

(a) Application of citizen parents; requirements

A parent who is a citizen of the United States may apply to the Attorney General [now the Secretary, Homeland Security, "Secretary"] for a certificate of citizenship on behalf of a child born outside the United States. The Attorney General [Secretary] shall issue such a certificate of citizenship upon proof to the satisfaction of the Attorney General [Secretary] that the following conditions have been fulfilled:

- 1) At least one parent is a citizen of the United States, whether by birth or naturalization.
- 2) The child is physically present in the United States pursuant to a lawful admission.
- 3) The child is under the age of 18 years and in the legal custody of the citizen parent.

....

b) Attainment of citizenship status; receipt of certificate

Upon approval of the application . . . [and] upon taking and subscribing before an officer of the Service [CIS] within the United States to the oath of allegiance required by this chapter of an applicant for naturalization, the child shall become a citizen of the United States and shall be furnished by the Attorney General [Secretary] with a certificate of citizenship.

The record indicates that the applicant became a lawful permanent resident on [REDACTED] and that he was over the age of eighteen at that time. The record additionally reflects that the applicant was over the age of eighteen when his parents filed his N-600, Application for Certificate of Citizenship (N-600 application). The applicant therefore failed to establish that he met the requirements set forth in section 322(a)(2) of the former Act. The applicant additionally failed to establish that the N-600 application process was completed prior to his eighteenth birthday, as required by section 322(a) and (b) of the former Act. The AAO notes that the requirements set forth in section 322(a) and (b) of the former Act are statutorily mandated, and that they are not affected or changed by Service (CIS) processing delays. The AAO notes further that a review of CIS records reflects that the applicant is now a naturalized U.S. citizen. The AAO therefore finds that the present appeal is moot. The appeal must be dismissed accordingly.

ORDER: The appeal is dismissed.